

RECEIVED
CENTRAL FAX CENTER

OCT 17 2007

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) US 010583	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>10/17/07</u> Signature <u>M Ure</u> Typed or printed name <u>Michael Ure</u>		Application Number 09/966,038	Filed 09-28-2001
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.		First Named Inventor BELLERS Art Unit 2622	
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input type="checkbox"/> attorney or agent of record. Registration number _____ <input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>33,089</u>		Examiner TRAN, TRANG U Signature <u>M Ure</u> Typed or printed name <u>Michael Ure</u> Telephone number <u>408 674-0271</u> Date <u>10/17/07</u>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

OCT 17 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
BELLERSAtty. Docket
US010583

Serial: 09/966,038

Group Art Unit: 2622

Filed: 09/28/2001

Examiner: TRAN, TRANG U

DYNAMIC SAMPLING

Certificate of Fax/Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being faxed to (571)273-8300 or deposited with the United States Postal Service as first class mail in an envelope addressed to the COMMISSIONER FOR PATENTS, Mail Stop Appeal, P.O. BOX 1450 ALEXANDRIA, VA 22313 on date below.

Michael Ure
(Name)*M Ure* 10/17/07
(Signature and Date)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE—PRE-APPEAL CONFERENCE

Sir:

The following Remarks are responsive to the Office Action of 07/17/2007.

REMARKS

The Office Action of 07/17/2007 has been carefully considered. Reconsideration in view of the foregoing amendments and the present remarks is respectfully requested.

Claims 3, 5, 10, 12, 17 and 19 were indicated as containing allowable subject matter, which indication is appreciatively acknowledged.

Claims 1, 2, 4, 6-9, 11, 13-16, 18 and 20 were rejected as being anticipated by Page. This rejection is respectfully traversed and reconsideration is respectfully requested.

The claims have previously been amended to recite sampling an *analog* video signal using a variable sample rate that is adjustable both upward and downward. No such feature is taught or suggested in Page.

In Page, the emphasis is on data compression. Page provides for A/D conversion and for subsequent *downsampling* of the resulting *digital* signal. The degree of downsampling is maximized within the constraints of the Nyquist theorem. Initial A/D conversion, however, is performed at a *fixed* sampling rate.

The Examiner's attention is drawn particularly to col. 2, lines 61-63 of Page, cited in the Office Action: "Resampler 17 samples *up to* a maximum sample rate equal to that used by the ADC 13, *or at a significantly lower rate* for low bandwidth signals." The sample rate of the resampler 17 may indeed be adjustable both downward and upward. The signal sampled by the resampler, however, is a *digital* signal, not an *analog* video signal as claimed. With respect to the *analog* signal applied to the ADC 13 of Page, strictly speaking, the sample rate is *fixed*, not variable. What Page in reality discloses is

an apparatus for resampling a *digital* (not analog) signal in accordance with a variable sample rate that is adjustable both downward and upward.

Page is therefore not believed to anticipate the claims as currently amended.

Withdrawal of the rejections and allowance of claims 1-20 is respectfully requested.

Respectfully submitted,



Michael J. Ure, Reg. 33,089

Dated: 10/17/2007